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10/050,284	01/16/2002	John H. Thomas	7320-223	7012

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EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,284

Applicant(s)

THOMAS, JOHN H.

Examiner

Simon Sing

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-76 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-74 and 76 is/are rejected.
- 7) ☒ Claim(s) 75 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 50, 52, 55, 57-59, 62, 63, 65, 70, 71 and 76 are rejected under 35 U.S.C. 102(b) as being anticipated by Brunson US 5,647,002.

1.1 Regarding claim 50, 65, and 70, Brunson discloses a synchronization (unified) system for voicemail and e-mail in figure 1 (column 4, lines 45-50). Brunson teaches that when a message is received in one (voicemail) system, a corresponding message is created and stored in another (e-mail) system (figure 3, step 324; figure 5, step 524; column 7, lines 1-20; column 8, lines 52-60). When a voicemail message is retrieved and deleted by a user (column 6, lines 9-18), its corresponding message in the e-mail system is also deleted (column 3, lines 55-60; column 8, lines 1-2, 2-41). A deleted command issued by a user in the voicemail system is functionally equivalent to an

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instruction for deleting all messages that have common trait since it deletes a corresponding e-mail message in the e-mail system.

1.2 Regarding claims 52 and 71, as discussed above, Brunson teaches that the first message retrieved by a user is a voicemail message.

1.3 Regarding claim 55, it is inherent that voicemail system receives a touchtone response from a user.

1.4 Regarding claim 57, as discussed above, a corresponding message includes a common subject matter.

1.5 Regarding claim 58, a corresponding message has a word (sender or subject) in common with its native message.

1.6 Regarding claim 59, Brunson teaches deleting a corresponding message without playing to the user (column 3, lines 55-60; column 8, lines 1-2, 2-41).

1.7 Regarding claim 62, it is inherent that a voicemail system sends command list in a prompt to a user.

1.8 Regarding claim 63, Brunson teaches receiving and storing a new e-mail message (figure 3; column 7, lines 1-20).

1.9 Regarding claim 76, a corresponding message has common traits including sender and subject matter.

2. Claims 50, 65 and 70 are rejected under 35 U.S.C. 102(e) as being anticipated by Foladare et al. US 6,373,926.

Foladare discloses a centralized (unified) messaging system in figure 1 (column 2, lines 48-56). Foladare teaches that when a message is received in one messaging system, corresponding messages are created and stored in other systems (column 3, lines 10-18; column 9, lines 5-20). When a message, such as voicemail or fax mail, is retrieved and deleted by a recipient, its corresponding messages in other systems are also deleted (column 6, lines 16-47; column 7, lines 33-44). Since a recipient is able to flag messaging systems to delete messages in a delete list (column 7, lines 41-44), a deleted command issued by a recipient in one messaging system is an instruction to deleting all messages having common trait (duplicated messages having common trait with the original) in the centralized messaging system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 50, 51, 53-70, 72-74 and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal et al. US 6,640,242 in view of Tatchell et al. US 5,905,774 and further in view of. Tzirkel-Hancock US 5,960,395.

3.1 Regarding claim 50, 65, and 70, O'Neal discloses a unified messages system 104A for managing messages from voicemail, e-mail, fax and paging in figures 1 and 2 (column 5, lines 26-30). O'Neal teaches playing messages, voicemail and e-mail, to a user's telephone through PSTN (figures 5 and 11; column 8, lines 46-67; column 9, lines 1-12; column 11, lines 65-667; column 12, lines 1-6, 39-67; column 13, lines 1-25). O'Neal also teaches a Voice Point of Presence (VPOP) for receiving user voice commands for managing the messages (column 5, lines 47-59; column 8, lines 56-64). The user voice commands include play (read), save, forward and delete (column 5, lines 30-32; column 9, lines 5-8). O'Neal fails to teach deleting multiple messages, having a common trait with a message just played, through a single command.

However, Tatchell discloses a method and system for operating a voice messaging system in figure 1. Tatchell teaches a Personal Agent Processor 11 (PAP) (figures 2A and 3 (column 9, lines 8-22; column 10, lines 48-67; column 11, lines 35-42), which allowing a user to manage his voice messages through voice commands (column 4, lines 58-62; column 7, lines 12-16). Tatchell's voice commands are able to identify message senders, such as "from whom" and "play message from" (column 14,

lines 44-52), and to delete all messages in a list or folder, such as "delete all" and "erase all" (column 17, lines 11-17, 35-45).

In addition Tzirkel-Hancock discloses a speech recognition system for operating a voicemail system located in a public telephone switch network 273 (figures 36-40; column 40, lines 15-39). Tzirkel-Hancock teaches when new messages from sender David are played, a user may issue a voice command to delete all old messages from David, such as "Delete old messages from David" (column 41, lines 28-42).

Since O'Neal, Tatchell and Tzirkel-Hancock all teach using voice commands for managing messages through a telephone, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teaching of Tatchell and Tzirkel-Hancock, so that a single voice command would have been able to manage multiple voicemail or e-mail messages, such that after a first e-mail message was played, other e-mail messages having a common trait (sender or status) with the first e-mail message would have been deleted by a single voice command, because such a modification would have enabled a user to delete multiple messages through a single command.

3.2 Regarding claim 51, it is inherent that other e-mail messages not having a common trait (such as sender) with the first message would not have been deleted, and the modified O'Neal's system would have been able to play them to a user.

3.3 Regarding claim 53, as discussed in claim 50, the first message is an –mail message.

3.4 Regarding claim 54, O'Neal teaches converting a text message to an audio message for transmitting to a telephone through PSTN (column 12, lines 2-6, 17-21, 49-67; column 13, lines 1-18).

3.5 Regarding claim 55, the O'Neal reference, modified by Tatchell and Tzirkel-Hancock, O'Neal and Tatchell further teach that user commands includes touch-tone (DTMF) signals (O'Neal, column 5, lines 47-59; Tatchell, column 3, lines 66-67; column 4, lines 1-2; column 7, lines 12-16).

3.6 Regarding claim 56, since the modified O'Neal reference is able to delete all messages from a folder (delete all), and O'Neal teaches different message media types in his unified messaging system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the O'Neal's reference, so that a single voice command, such as "delete all e-mail" or "delete all voicemail) would have been included for deleting messages having same media type with the first message, because such a modification would have enabled a user to delete all his voicemail or e-mail messages at once.

3.7 Regarding claim 57, since the modified O'Neal reference is able to delete all messages from a folder (delete all) or from a common sender, O'Neal further teaches besides recognizing a sender, subject matter of an e-mail is also recognized (column 12, lines 59-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the O'Neal's reference, so that besides deleting messages from a common sender, messages from a common subject matter would also have been deleted by a single voice command.

3.8 Regarding claim 58, as discussed in claim 50, messages with a common sender (word) are deleted.

3.9 Regarding claim 59, as discussed in claim 50, Tzirkel-Hancock (column 41, lines 28-42) teaches playing new messages from David, then deleting old messages from David. Old messages would have been deleted without playback to the user.

3.10 Regarding claim 60, O'Neal teaches fax and page messages (figures 8; column 5, lines 26-30).

3.11 Regarding claims 61 and 69, O'Neal teaches a voice menu (column 8, lines 56-64), and since the modified O'Neal reference is able to group messages by senders as "play messages from XX", and "Delete old messages from David" as discussed in claim

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50, it would have been obvious that the voice menu having voice prompts such as "you have X messages from David" and "you have Y messages from Tom".

3.12 Regarding claim 62, O'Neal teaches sending voice prompts to the telephone (column 8, lines 56-64).

3.13 Regarding claim 63, O'Neal teaches storing new e-mail messages (column 5, lines 26-30).

3.14 Regarding claim 64, it is inherent that deleting all including deleting the first message.

3.15 Regarding claim 66, as discussed in claim 65, the first message is an e-mail message.

3.16 Regarding claim 67, it is inherent that deleting all including deleting the first e-mail message from e-mail server.

3.17 Regarding claim 68, O'Neal teaches converting a text message to an audio message for transmitting to a telephone through PSTN (column 12, lines 2-6, 17-21, 49-67; column 13, lines 1-18).

3.18 Regarding claim 72, as discussed in claim 70, the first message is an –mail message.

3.19 Regarding claim 73, O’Neal teaches a public switched telephone network (PSTN) 150 in figure 1 (column 3, lines 66-67; column 4, lines 1-3) and a telephone (column 5, lines 47-59).

3.20 Regarding claim 74, O’Neal teaches converting a text message to an audio message for transmitting to a telephone through PSTN (column 12, lines 2-6, 17-21, 49-67; column 13,m lines 1-18).

3.21 Regarding claim 76, the modified O’Neal reference, teaches that common trait includes a combination of status and sender, such as “Delete **old** messages from **David**”.

Allowable Subject Matter

4. Claim 75 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The current invention discloses a unified messaging system in that after a fax message is played to a user through a telephone, the user then instructs the unified messaging system to delete all messages having a common trait with the fax message, and at least one e-mail message having a common trait with the fax messages is deleted.

Prior Art O'Neal (US 6,640,242) discloses a unified messaging system able to play voicemail, e-mail and fax message to a user through a telephone, and enables a user to manage his messages by voice commands; Tatchell (US 5,905,774) and Tzirkel-Hancock (US 5,960,395) both disclose a voice messaging system enabling a user to delete multiple messages through a single voice command. O'Neal, Tatchell and Tzirkel-Hancock, either alone or in combination, fails to teach deleting messages across media types in a single voice command.

Prior Art Foladare et al. (US 6,373,926) discloses a centralized messaging system, which duplicates and stores a received message in other messaging media formats, when one messages in one media format is deleted, other associated messages are also deleted. Foladare only teaches voicemail, e-mail and paging messages, but fails to teach fax messages and playing a fax messages to a user through a telephone.

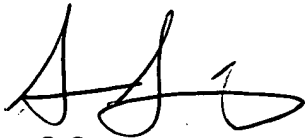
Response to Arguments

5. Applicant's arguments with respect to claims 50-76 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

ALLAN HOOSAIN
PRIMARY EXAMINER
for
Fan Tsang


S.S.

05/28/2004